

### DETAILED ACTION

1. Receipt is acknowledged of a request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e) and a submission, filed on 12/14/2009. The submission, however, is not fully responsive to the prior Office action because the Response/Remarks did not specifically point out the difference between the prior art and the claimed inventions.

For example, on page 14, paragraph 3, the remarks generally states that “**The amended claims** avoid this objection by specifying that the host characteristic data is host storage characteristic data indicating one or more characteristics of one or more **memories of said host computer.**” It is not clear which claim(s) this argument is regarding,

As another example, the subsequent argument on page 14, paragraph 5-9 generally states “Moreover, neither Jaskiewicz nor Rhea teaches a single computer which: a. receives storage conditions for a data item...; b provides host storage characteristics data indicating one or more characteristics...; c. tests to see whether those characteristics meet those conditions; and d. stores the data item if those conditions are met, or forwards those conditions on if the conditions are not met.” The argument again, did not clearly point out the specific claim(s) that Applicant is arguing about. **It is to be noted that the above limitations are not common to all pending/rejected claims.** Applicant is required to clearly point out the difference between the prior art and **the specific claim(s).**

2. Since the submission appears to be a bona fide attempt to provide a complete reply to the prior Office action, applicant is given a shortened statutory period of ONE MONTH or THIRTY DAYS from the mailing date of this letter, whichever is longer, to submit a complete reply. This

shortened statutory period for reply supersedes the time period set in the prior Office action.

This time period may be extended pursuant to 37 CFR 1.136(a).

3. In addition, "Applicant should also specifically point out the support for any amendments made to the disclosure", see MPEP 714.02. Therefore applicant is suggested to point out the support for newly added/amended limitations/claims.

### **Conclusion**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to HUA FAN whose telephone number is (571)270-5311. The examiner can normally be reached on M-F 9am-6pm EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rupal Dharia can be reached on (571) 272-3880. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Hua Fan/

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